

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 4:09CR147-P-S

**DEWAYNE SMITH AND
DAMEIAN DARNELL SUBER**

ORDER

This cause is before the Court on defendant Smith's Motion for Continuance [30]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for April 5, 2010. Smith has filed a Motion to Suppress; as of yet, no hearing has been scheduled on the motion. In addition, defense counsel avers that he has insufficient time to devote to preparation due to an upcoming trial in another case now pending before the Court. The government has no objection to the requested relief. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from April 5, 2010 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. Defendant Smith's Motion for Continuance [30] is GRANTED;
2. That the trial of this matter is continued as to all defendants until Monday, June 21, 2010 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from April 5, 2010 until June 21, 2010 is excluded as set out above;
4. That the deadline for filing pretrial motions is June 1, 2010;
5. That the deadline for submitting a plea agreement is June 8, 2010.

SO ORDERED, this the 18th day of March, 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE